

INFORMATION PAPER

MCEU-JA (600-50d)

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SUBJECT: Free Attendance at Seminars and Similar Functions

1. PURPOSE: To summarize when employees may accept free attendance at a seminar, conference, or similar function.

2. FACTS:

a. Participation in an Official Capacity. (5 C.F.R. § 2635.204(g)(1))

(1) Speaking and Similar Engagements. An employee may accept free attendance at a conference or other event where the employee will participate in an official capacity, as a speaker or panel participant, to present information on behalf of his agency, provided the offer is from the event's sponsor. This is limited to free attendance on the day of the official presentation, and permits the employee to accept conference fees, food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. It does not permit acceptance of travel expenses.

(2) Other Official Participation. Under certain circumstances, employees in an official travel status may accept travel and related expenses to attend conferences and similar functions, in addition to free attendance at the event. This authority, 31 U.S.C. § 1353, is covered in a separate information paper.

c. Participation in a Personal Capacity. (5 C.F.R. § 2635.204(g)(2)) An employee attending an event in his personal capacity may accept a gift of free attendance if the event is "widely attended." The principle elements of a "widely attended gathering" are size and diversity. Free attendance is further justified by a finding of agency interest.

(1) For the "size" element, there must be at least 20 or more individuals in attendance.

(2) For the "diversity" element, the event must be open to members from throughout a given industry or profession, or to all parties who may have an interest in the subject of the event.

(3) The employee's supervisor must determine (verbally or in writing) that attendance is in the agency's interest because it will further agency programs and operations. The agency's interests may include promoting community relations or providing the opportunity to exchange views or technical information with members of a specific profession. If the person who invited the employee has interests that may be

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affected by execution of the employee's official duties, the supervisor must make a further written determination that the agency's interest outweighs the appearance of improper influence. Supervisors should make this determination in consultation with their Ethics Counselor.

(4) Cost of Attendance. Under this exception, there is no limit on the cost of free attendance. However, acceptance of free attendance only applies to activities which are integral to the event. Generally, social and sports activities, such as golf outings, will not be integral to a widely attended gathering, and may not be accepted. There are also some restrictions on how the costs are paid:

(a) The event's sponsor must bear the cost of free attendance or, if someone other than the sponsor bears the cost, the sponsor must decide who to invite and where to seat them.

(b) If someone other than the sponsor pays for attendance, the offer of free attendance may not be accepted unless more than 100 persons are expected to attend, and the value of free attendance (including the value of free attendance for an invited spouse or guest) does not exceed \$250.

(c) Attendance of Spouses. An employee may accept free attendance for his spouse if spouses will generally accompany others in attendance, and the offer to the spouse is from the same source as the offer to the employee.

(5) Blanket Determinations of Agency Interest. A supervisor may issue a blanket determination that attendance by all or a specific category of subordinate employees is in the agency's interest. This determination does not, however, eliminate the need for the written finding for individuals whose duties may present a conflict.